

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

LEKIA SMITH,

Plaintiff,

vs.

THE CITY OF ROCHESTER, et al.,

Defendants.

SECOND AMENDED
SCHEDULING ORDER

23-CV-06162-CJS-MJP

Pursuant to the parties' joint request for an extension of certain deadlines in this case (ECF No. 21), the Court ORDERS that:

1. This case has been referred automatically to the Court's Alternative Dispute Resolution ("ADR") program. The ADR Plan and related forms and information are available at www.nywd.uscourts.gov and the Court Clerk's Office.
 - a. The deadline for that parties to confer and select a mediator, confirm the mediator's availability, ensure that the mediator does not have a conflict with any of the parties in the case, identify a date and time for the initial mediation session, and file a stipulation confirming their selection on the form provided by the Court has passed.
 - b. The deadline to opt out of the ADR process has passed.
 - c. The deadline for the initial mediation session has passed.

d. The referral of this case to mediation will not delay or defer other dates contained in this Scheduling Order and has no effect on the progress of the case toward trial.

2. The deadline for mandatory disclosures required by Rule 26(a)(1) of the Federal Rules of Civil Procedure has passed.

3. The deadline for motions to join other parties and to amend the pleadings has passed. The deadline to commence any third party action has passed.

4. All factual discovery in this case, including depositions, shall be completed on or before **September 26, 2024**. All motions to compel discovery shall be filed by **September 26, 2024**.

5. Plaintiff shall identify any expert witnesses pursuant to Fed. R. Civ. P. 26(a)(2)(A) and provide reports pursuant to Rule 26(a)(2)(B) and/or disclosures pursuant to Rule 26(a)(2)(C) by **November 25, 2024**. Defendant shall identify any expert witnesses and provide reports pursuant to Fed. R. Civ. P. 26 by **December 31, 2024**. Parties shall complete all discovery relating to experts, including depositions, by **January 31, 2025**.

6. Dispositive motions, if any, shall be filed no later than **March 28, 2025**. Unless a consent to proceed before this Court has been filed, such motions shall be made returnable before Judge Siragusa.


7. A trial date status conference pursuant to Fed. R. Civ. P. Rule 16(e) and Local Rule 16 will be held, if necessary, at a date and time to be determined by the trial judge after determination of dispositive motions. If no dispositive motions are

filed, counsel shall **immediately** contact the trial judge so that a trial date status conference can be scheduled.

8. Requests to extend the above cut-off dates may be granted upon written application, made prior to the cutoff date, and showing good cause for the extension. Application for extensions should be made to the Magistrate Judge. Joint or unopposed requests to extend the deadlines set forth in this order need not be made by formal motion, but rather may be sought in a letter to the court. Letter requests must detail good cause for the extension and propose new deadlines.
9. The Court requires that should any discovery dispute arise between the parties that a letter be sent to the Court detailing the dispute prior to any motion practice.

SO ORDERED.

DATED: June 5, 2024
Rochester, New York



MARK W. PEDERSEN
United States Magistrate Judge